

AMENDED IN SENATE APRIL 25, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1137**

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**Introduced by Assembly Member Dymally**

February 22, 2005

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*An act to add Section 71092.3 to the Education Code, relating to community colleges. An act to amend and repeal Section 49414 of, and to add Section 49414.2 to, the Education Code, relating to pupil health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1137, as amended, Dymally. ~~Community colleges: appointment of trustee for fiscal stability. Child care centers: child, pupil, and staff health: asthma and anaphylactic emergencies.~~

*Existing law authorizes a school district or county office of education to provide emergency epinephrine auto-injectors to trained personnel, and authorizes the trained personnel to utilize those epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. Existing law expressly authorizes each public and private elementary and secondary school in the state to voluntarily determine whether or not to make emergency epinephrine auto-injectors and trained personnel available at its school and to designate one or more school personnel to receive prescribed training regarding epinephrine auto-injectors from individuals in specified positions. Existing law requires the Superintendent of Public Instruction to establish minimum standards of training for the administration of epinephrine auto-injectors and to consult with the State Department of Health Services, organizations, and providers with expertise in administering epinephrine*

*auto-injectors and administering medication in a school environment in developing those standards. Existing law authorizes school nurses or, if the school does not have a school nurse, a person who has received training regarding epinephrine auto-injectors, to obtain prescriptions for epinephrine auto-injectors from individuals in certain positions and to immediately administer an epinephrine auto-injector under certain circumstances. Existing law requires those individuals to initiate emergency medical services or other appropriate medical followup in accordance with written training materials. Existing law also requires any school district or county office of education electing to utilize epinephrine auto-injectors for emergency medical aid to create a plan to address specified issues.*

*This bill, instead, would require the State Department of Education to provide educational materials to each licensed child care center, school district, and county office of education regarding the identification of and appropriate response to a child's, pupil's, or staff member's asthma or anaphylactic emergency.*

*The bill would require the department to develop training for personnel selected by a licensed child care center, school district, and county office of education to administer emergency medical aid to children, pupils, or staff members suffering from an asthma or anaphylactic emergency.*

*The bill would require the department to develop prerequisites for issuance of the medicines and equipment specified below to licensed child care centers and public schools with pupils in kindergarten or any of grades 1 to 12, inclusive, including certification that sufficient personnel have successfully completed the specified training, an agreement to comply with the department's guidelines regarding administration of the medicines and storage of the medicines and equipment, and any other requirements the department deems appropriate.*

*The bill would require the department to develop a form for licensed child care centers and public schools with pupils in kindergarten or any of grades 1 to 12, inclusive, to indicate compliance with the prerequisites imposed by the department.*

*The bill would require the department to issue 2 epinephrine auto-injectors, one nebulizer, and 3 ampules of 2.5 milligrams each of albuterol for nebulization to each licensed child care center or public school with pupils in kindergarten or any of grades 1 to 12, inclusive, that completes and returns to the department the specified form.*

*The bill would require the department to develop a request for proposals for educational materials and a request for proposals for the specified medicines and equipment.*

*The bill would require the department to use existing resources to convene a task force to aid the department in complying with specified requirements of the bill, and in addressing issues relating to funding those requirements.*

*The bill would establish the California School Allergy and Asthma Endowment in state government. The bill would authorize the endowment to seek assistance, including financial and in-kind assistance, from government, educational, and private sources to fund the requirements of the bill. The bill would require the endowment to deposit all funds obtained under these provisions in the California School Allergy and Asthma Endowment Fund, which the bill would establish in the State Treasury. The bill would make all money in the fund available, upon appropriation, to fund the requirements of the bill.*

*The bill would provide that certain of its requirements shall become operative on the date on which the Superintendent of Public Instruction determines that funding sufficient to implement those requirements is provided in the annual Budget Act, or on the date on which the Superintendent determines that funds appropriated from the fund, either alone or in combination with funds provided in the annual Budget Act, are sufficient to implement those requirements, whichever date is earlier.*

~~Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards. Existing law authorizes the board of governors to provide, by regulation, for the appointment of a special trustee to manage a district that fails to achieve fiscal stability.~~

~~Existing law, until January 1, 2008, permits the board of governors to authorize the chancellor to suspend, for a period of up to one year, the authority of the Board of Trustees of the Compton Community College District, or of any of the members of that board, to exercise any powers or responsibilities or to take any official actions with~~

~~respect to management of the district or any of the district's assets, contracts, expenditures, facilities, funds, personnel, or property.~~

~~Existing law authorizes the chancellor, with the prior approval of the board of governors, to renew a suspension as often as he or she finds it necessary. If and when the chancellor suspends the authority of the board of trustees or any of its members pursuant to this provision, existing law authorizes the chancellor to appoint a special trustee, in accordance with specified regulations of the board of governors, at district expense, to manage the Compton Community College District.~~

~~Existing law authorizes the chancellor to assume, and delegate to the special trustee, those powers and duties of the board of trustees that the chancellor determines, with the approval of the board of governors, are necessary for the management of the Compton Community College District. Existing law prohibits the board of trustees from exercising any of the duties or powers assumed by the chancellor under this provision.~~

~~Existing law requires the board of governors, in the event that it determines that it may be necessary to maintain authority over the Compton Community College District granted by existing law beyond January 1, 2008, to make that recommendation, and its reasons therefor, in writing, to the Legislature and the Governor no later than July 1, 2007.~~

~~This bill would, commencing on January 1, 2008, also make these provisions applicable to other community college districts. In addition, the bill would require the chancellor to do all of the following before he or she would be authorized to suspend the authority of a community college district governing board: review plans prepared and adopted by the district pursuant to a specified regulation, find that these plans are inadequate to solve the financial plans of the district, conduct a comprehensive management review of the district and an audit of the district's financial condition, and direct the district to amend and readopt its fiscal and educational plans based upon the findings of the comprehensive management review and audit.~~

~~The bill would require the chancellor, in addressing the financial problems of the district under the bill, to prepare an assessment of what led to the district's fiscal crisis, an improvement and action plan for addressing deficiencies in the district's services and procedures, a process for assessing the district's progress in correcting the deficiencies identified under this provision, and benchmarks that will~~

indicate the district's capacity to manage its fiscal responsibilities. The bill would also require the chancellor to file a written status report with the appropriate fiscal and policy committees of the Legislature, including any special committees created for the purpose of reviewing the reports, and with the Members of the Legislature who represent the area within the jurisdiction of the district, the advisory council of the community college district, the board of governors, the Director of Finance, and the Secretary for Education.

The bill would also impose certain conditions on the chancellor's authority to renew a suspension.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. This act shall be known and may be cited as the*
- 2     *California School Allergy and Asthma Act of 2006.*
- 3     *SEC. 2. The Legislature finds and declares all of the*
- 4     *following:*
- 5         *(a) Food allergy is an increasing medical issue that must be*
- 6         *addressed in the school and child care setting. It is generally*
- 7         *believed that the condition affects 4 percent of all schoolage*
- 8         *children, and an even greater percentage of children under the*
- 9         *age of five.*
- 10        *(b) The incidence of peanut allergy is growing rapidly, having*
- 11        *doubled from 1997 to 2002.*
- 12        *(c) An estimated 400,000 California children suffer from food*
- 13        *allergies.*
- 14        *(d) One in five children with a food allergy will experience an*
- 15        *allergic reaction in school.*
- 16        *(e) A food allergy reaction that occurs in a school setting has*
- 17        *been the first reaction for 25 percent of children experiencing a*
- 18        *reaction at school.*
- 19        *(f) Asthma is the most prevalent chronic disease among*
- 20        *children.*
- 21        *(g) In California, nearly one in five pupils will have asthma*
- 22        *during his or her childhood.*
- 23        *(h) The prevalence of asthma is likely underestimated, as*
- 24        *studies have shown that there are many individuals suffering*
- 25        *from undiagnosed asthma.*

1     (i) *In addition, staff at licensed child care centers and public*  
2 *schools also may suffer asthma and anaphylactic emergencies*  
3 *while at work.*

4     (j) *Laws are needed to ensure that California child care center*  
5 *and school personnel have the ability to respond to a child, pupil,*  
6 *or staff member experiencing a life-threatening asthma or*  
7 *anaphylactic emergency at the child care center or public school.*

8     SEC. 3. *Section 49414 of the Education Code is amended to*  
9 *read:*

10     49414. (a) A school district or county office of education  
11 may provide emergency epinephrine auto-injectors to trained  
12 personnel, and trained personnel may utilize those epinephrine  
13 auto-injectors to provide emergency medical aid to persons  
14 suffering from an anaphylactic reaction. Any school district or  
15 county office of education choosing to exercise the authority  
16 provided under this subdivision shall not receive state funds  
17 specifically for the purposes of this subdivision.

18     (b) For purposes of this section, the following terms have the  
19 following meaning:

20     (1) “Anaphylaxis” means a potentially life-threatening  
21 hypersensitivity to a substance.

22     (A) Symptoms of anaphylaxis may include shortness of  
23 breath, wheezing, difficulty breathing, difficulty talking or  
24 swallowing, hives, itching, swelling, shock, or asthma.

25     (B) Causes of anaphylaxis may include, but are not limited to,  
26 an insect sting, food allergy, drug reaction, and exercise.

27     (2) “Epinephrine auto-injector” means a disposable drug  
28 delivery system with a spring-activated concealed needle that is  
29 designed for emergency administration of epinephrine to provide  
30 rapid, convenient first aid for persons suffering a potentially fatal  
31 reaction to anaphylaxis.

32     (c) Each public and private elementary and secondary school  
33 in the state may voluntarily determine whether or not to make  
34 emergency epinephrine auto-injectors and trained personnel  
35 available at its school. In making this determination, a school  
36 shall evaluate the emergency medical response time to the school  
37 and determine whether initiating emergency medical services is  
38 an acceptable alternative to epinephrine auto-injectors and  
39 trained personnel. Any school choosing to exercise the authority

1 provided under this subdivision shall not receive state funds  
2 specifically for the purposes of this subdivision.

3 (d) Each public and private elementary and secondary school  
4 in the state may designate one or more school personnel on a  
5 voluntary basis to receive initial and annual refresher training,  
6 based on the standards developed pursuant to subdivision (e),  
7 regarding the storage and emergency use of an epinephrine  
8 auto-injector from the school nurse or other qualified person  
9 designated by the school district physician, the medical director  
10 of the local health department, or the local emergency medical  
11 services director. Any school choosing to exercise the authority  
12 provided under this subdivision shall not receive state funds  
13 specifically for the purposes of this subdivision.

14 (e) (1) ~~The Superintendent of Public Instruction~~ shall  
15 establish minimum standards of training for the administration of  
16 epinephrine auto-injectors that satisfy the requirements in  
17 paragraph (2). For purposes of this subdivision, the  
18 ~~Superintendent of Public Instruction~~ shall consult with  
19 organizations and providers with expertise in administering  
20 epinephrine auto-injectors and administering medication in a  
21 school environment, including, but not limited to, the State  
22 Department of Health Services, the Emergency Medical Services  
23 Authority, the American Academy of Allergy, Asthma, and  
24 Immunology, the California School Nurses Organization, the  
25 California Medical Association, the American Academy of  
26 Pediatrics, and others.

27 (2) Training established pursuant to this subdivision shall  
28 include all of the following:

29 (A) Techniques for recognizing symptoms of anaphylaxis.

30 (B) Standards and procedures for the storage and emergency  
31 use of epinephrine auto-injectors.

32 (C) Emergency follow-up procedures, including calling the  
33 emergency 911 phone number and contacting, if possible, the  
34 pupil's parent and physician.

35 (D) Instruction and certification in cardiopulmonary  
36 resuscitation.

37 (E) Written materials covering the information required under  
38 this subdivision.

39 (3) A school shall retain for reference the written materials  
40 prepared under subparagraph (E) of paragraph (2).

(f) A school nurse, or if the school does not have a school nurse, a person who has received training pursuant to subdivision (d), may do the following:

(1) Obtain from the school district physician, the medical director of the local health department, or the local emergency medical services director a prescription for epinephrine auto-injectors.

(2) Immediately administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at school or a school activity when a physician is not immediately available.

(g) A person who has received training as set forth in subdivision (d) or a school nurse shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials retained pursuant to paragraph (3) of subdivision (e).

(h) Any school district or county office of education electing to utilize epinephrine auto-injectors for emergency medical aid shall create a plan to address all of the following issues:

(1) Designation of the individual or individuals who will provide the training pursuant to subdivision (d).

(2) Designation of the school district physician, the medical director of the local health department, or the local emergency medical services director that the school district or county office of education will consult for the prescription for epinephrine auto-injectors pursuant to paragraph (1) of subdivision (f).

(3) Documentation as to which individual, the school nurse or other trained person pursuant to subdivision (f), in the school district or county office of education will obtain the prescription from the physician and the medication from a pharmacist.

(4) Documentation as to where the medication is stored and how the medication will be made readily available in case of an emergency.

*(i) This section shall remain in effect only until the date that subdivision (a) of Section 49414.2 becomes operative.*

*SEC. 4. Section 49414.2 is added to the Education Code, to read:*

*49414.2. (a) The department shall do all of the following:*

*(1) Provide educational materials to each licensed child care center, school district, and county office of education regarding*



1 *the identification of, and appropriate response to, a child's,*  
2 *pupil's, or staff member's asthma or anaphylactic emergency.*

3 *(2) Develop training for personnel selected by a licensed child*  
4 *care center, school district, and county office of education to*  
5 *administer emergency medical aid to children, pupils, or staff*  
6 *members suffering from an asthma or anaphylactic emergency.*

7 *(3) Develop prerequisites for issuance of the medicines and*  
8 *equipment listed under paragraph (5) to licensed child care*  
9 *centers and public schools with pupils in kindergarten or any of*  
10 *grades 1 to 12, inclusive, including, but not limited to,*  
11 *certification that sufficient personnel have successfully*  
12 *completed the training developed under paragraph (2), an*  
13 *agreement to comply with the department's guidelines regarding*  
14 *administration of the medicines and storage of the medicines and*  
15 *equipment, and any other requirements the department deems*  
16 *appropriate.*

17 *(4) Develop a form for licensed child care centers and public*  
18 *schools with pupils in kindergarten or any of grades 1 to 12,*  
19 *inclusive, to indicate compliance with the prerequisites imposed*  
20 *under paragraph (3).*

21 *(5) Issue two epinephrine auto-injectors, one nebulizer, and*  
22 *three ampules of 2.5 milligrams each of albuterol for*  
23 *nebulization to each licensed child care center or public school*  
24 *with pupils in kindergarten or any of grades 1 to 12, inclusive,*  
25 *that completes and returns to the department the form developed*  
26 *under paragraph (4).*

27 *(6) Develop a request for proposals for any educational*  
28 *materials required in compliance with paragraphs (1) and (2)*  
29 *and a request for proposals for the medicines and equipment*  
30 *required to be issued under paragraph (5). The department may*  
31 *combine these two requests for proposals in one request for*  
32 *proposals.*

33 *(b) The department shall use existing resources to convene a*  
34 *task force to aid the department in complying with the*  
35 *requirements of paragraphs (1) to (4), inclusive, of subdivision*  
36 *(a), and in addressing issues relating to funding the requirements*  
37 *of this section.*

38 *(c) (1) The California School Allergy and Asthma Endowment*  
39 *is hereby established in state government. The endowment may*  
40 *seek assistance, including, but not limited to, financial and*

1 *in-kind assistance, from government, educational, and private*  
2 *sources to fund the requirements of this section. The endowment*  
3 *shall deposit all funds obtained under this paragraph in the fund*  
4 *established under paragraph (2).*

5 *(2) The California School Allergy and Asthma Endowment*  
6 *Fund is hereby established in the State Treasury. All money in*  
7 *the fund shall be available, upon appropriation, to fund the*  
8 *requirements of this section.*

9 *(d) Subdivision (a) shall become operative on the date on*  
10 *which the Superintendent determines that either of the following*  
11 *applies, whichever date is earlier:*

12 *(1) Funding sufficient to implement the requirements of*  
13 *subdivision (a) is provided in the annual Budget Act.*

14 *(2) Funds appropriated from the California School Allergy*  
15 *and Asthma Endowment Fund, either alone or in combination*  
16 *with funds provided in the annual Budget Act, are sufficient to*  
17 *implement the requirement of subdivision (a).*

18 *(e) The Legislature urges governmental, educational, and*  
19 *private entities to enter into partnerships with the state to*  
20 *implement this section as expeditiously as possible.*

21 ~~SECTION 1. (a) The Legislature finds and declares that the~~  
22 ~~appointment, by the Chancellor of the California Community~~  
23 ~~Colleges, of a special trustee to manage a community college~~  
24 ~~district, and the chancellor's delegation to the special trustee of~~  
25 ~~the powers and duties of the governing board of a community~~  
26 ~~college district, are drastic remedies that require due process. The~~  
27 ~~Legislature finds and declares that restoring local capacity to a~~  
28 ~~community college district that has lost the ability to manage its~~  
29 ~~fiscal affairs is the only viable long-term solution to ensuring the~~  
30 ~~proper stewardship of public resources and student access to a~~  
31 ~~high-quality community college education.~~

32 ~~(b) It is, therefore, the intent of the Legislature to accomplish~~  
33 ~~both of the following:~~

34 ~~(1) Prior to the appointment of any special trustee, the Board~~  
35 ~~of Governors and the Chancellor of the California Community~~  
36 ~~Colleges must work with the present administrators and the~~  
37 ~~governing boards of impacted community college districts to~~  
38 ~~restore their capacity to manage their own financial affairs.~~

39 ~~(2) Provide the Board of Governors of the California~~  
40 ~~Community Colleges with specific authority to ensure the~~

1 stabilization of the financial condition of an impacted community  
2 college district.

3 SEC. 2. ~~Section 71092.3 is added to the Education Code, to~~  
4 ~~read:~~

5 ~~71092.3. Notwithstanding any other provision of law:~~

6 ~~(a) The chancellor shall review any plans prepared and~~  
7 ~~adopted by a community college district pursuant to Section~~  
8 ~~58310 of Title 5 of the California Code of Regulations, and shall~~  
9 ~~determine whether these plans are adequate to achieve fiscal~~  
10 ~~stability. If the chancellor determines that these plans are~~  
11 ~~inadequate to solve the financial problems or to implement the~~  
12 ~~principles of sound fiscal management, or if the district~~  
13 ~~substantially fails to implement these plans, the chancellor shall~~  
14 ~~first utilize measures that minimize interference with normal~~  
15 ~~district operations, unless he or she determines that acting~~  
16 ~~otherwise is necessary to prevent the worsening of the fiscal~~  
17 ~~conditions of the district. The chancellor is then authorized to~~  
18 ~~take any of the following actions:~~

19 ~~(1) Conduct a comprehensive management review of the~~  
20 ~~district and its educational programs, and conduct an audit of the~~  
21 ~~financial condition of that district. The chancellor may also~~  
22 ~~contract for, or request another appropriate agency to conduct,~~  
23 ~~the review and audit referenced in this paragraph, or require the~~  
24 ~~district, at the expense of the district, to contract for the review or~~  
25 ~~the audit. The terms and conditions of the contract and the final~~  
26 ~~selection of a contractor under this paragraph shall be subject to~~  
27 ~~the written approval of the chancellor.~~

28 ~~(2) Direct the governing board of the district to amend and~~  
29 ~~readopt the fiscal and educational plans that the district prepared~~  
30 ~~pursuant to Section 58310 of Title 5 of the California Code of~~  
31 ~~Regulations, based upon the findings of the comprehensive~~  
32 ~~management review and audit conducted under paragraph (1).~~

33 ~~(b) (1) If, after the occurrence of the events set forth in~~  
34 ~~subdivision (a), and after a hearing before the board of governors~~  
35 ~~providing an opportunity for the district to respond, the board of~~  
36 ~~governors finds that the district has failed to maintain fiscal~~  
37 ~~integrity and remains unable to manage its own recovery, the~~  
38 ~~board of governors may authorize the chancellor or the special~~  
39 ~~trustee to exercise powers approved by the board of governors;~~

1 for a period of up to one year, unless the board of governors  
2 approves one or more one-year extensions.

3 (2) The exercise by the chancellor or special trustee of powers  
4 approved by the board of governors under paragraph (1) shall be  
5 subject to all legal requirements applicable to the district. The  
6 governing board of the district may not exercise any power that is  
7 assumed under paragraph (1).

8 (3) The board of governors may authorize the chancellor or  
9 special trustee to exercise any powers or authority of the  
10 governing board of the district, or of any of the members of that  
11 board, to exercise any powers or responsibilities or to take any  
12 official actions with respect to the management of the district,  
13 including any of the district's assets, contracts, expenditures,  
14 facilities, funds, personnel, or property. The chancellor may  
15 delegate any authority delegated to him or her under this  
16 subdivision to a special trustee.

17 (4) For the period of time during which the chancellor  
18 exercises the authority described in this subdivision, the  
19 governing board of the community college district shall serve as  
20 an advisory body reporting to the chancellor or the special  
21 trustee, but the members of the governing board shall have no  
22 rights, duties, or powers, and shall not be entitled to any stipend,  
23 benefits, or other compensation from the district.

24 (5) The chancellor or special trustee shall consider, on at least  
25 a monthly basis, information from one or more groups from each  
26 of the following categories:

27 (A) The governing board of the district.

28 (B) Any advisory council of the district.

29 (C) Representatives from the community in which the district  
30 is located.

31 (D) The County Office Fiscal Crisis and Management  
32 Assistance Team.

33 (e) In addressing the financial problems of a district under this  
34 subdivision, the chancellor shall accomplish all of the following  
35 within the designated intervals after assuming authority under  
36 this section:

37 (1) Within 60 days, prepare a written assessment of what led  
38 to the district's fiscal crisis.

1     ~~(2) Within 60 days, prepare an improvement and action plan~~  
2     ~~for addressing deficiencies in the district's services and~~  
3     ~~procedures.~~

4     ~~(3) Within 120 days, prepare a process for assessing the~~  
5     ~~district's progress in correcting the deficiencies identified under~~  
6     ~~paragraphs (1) and (2).~~

7     ~~(4) Within 120 days, prepare benchmarks that will indicate the~~  
8     ~~district's capacity to manage its fiscal responsibilities.~~

9     ~~(5) Within six months, the chancellor shall file a written status~~  
10    ~~report with the appropriate fiscal and policy committees of the~~  
11    ~~Legislature, including any special committees created for the~~  
12    ~~purpose of reviewing the reports, and with the Members of the~~  
13    ~~Legislature who represent the area within the jurisdiction of the~~  
14    ~~district, the advisory council of the community college district,~~  
15    ~~the board of governors, the Director of Finance, and the~~  
16    ~~Secretary for Education. The report shall describe the progress~~  
17    ~~that the district is making in meeting the recommendations of the~~  
18    ~~improvement plan developed pursuant to this section. The~~  
19    ~~chancellor shall recommend to the board of governors those~~  
20    ~~designated functional areas of the district operation that it~~  
21    ~~determines are appropriate for the governing board of the district~~  
22    ~~to assume.~~

23    ~~(d) With the prior approval of the board of governors, the~~  
24    ~~chancellor may renew a suspension under this section as many~~  
25    ~~times, and as often, as he or she finds it necessary during the~~  
26    ~~period of operation of this section, provided that all of the~~  
27    ~~following have occurred:~~

28    ~~(1) The chancellor makes a finding that the plans of the district~~  
29    ~~remain inadequate to solve the district's financial problems.~~

30    ~~(2) A new independent audit has been completed.~~

31    ~~(3) The chancellor finds that the district is unable to correct~~  
32    ~~any deficiencies identified in the audit conducted pursuant to~~  
33    ~~paragraph (2).~~

34    ~~(e) A suspension authorized by this section becomes effective~~  
35    ~~immediately upon the delivery of a document to the~~  
36    ~~administrative offices of the district that sets forth the finding of~~  
37    ~~the chancellor that a suspension pursuant to this section is~~  
38    ~~necessary for the establishment of fiscal integrity and financial~~  
39    ~~security in that district.~~

~~(f) If and when the chancellor suspends the authority of the governing board of the district or any of its members pursuant to this section, the chancellor may appoint a special trustee as provided in paragraph (3) of subdivision (e) of Section 84040, at district expense, to manage the district. The chancellor is authorized to assume, and delegate to the special trustee, those powers and duties of the governing board of the district that the chancellor determines, with the approval of the board of governors, are necessary for the management of that district. The governing board of the district may not exercise any of the duties or powers assumed by the chancellor under this section. The chancellor may appoint as a special trustee under this section a person who has served in a similar capacity prior to the enactment of the act that adds this section. A special trustee appointed under this section shall serve at the pleasure of the chancellor.~~

~~(g) Nothing in this section shall be construed either to prohibit any otherwise qualified member of any community college district governing board from becoming a candidate for reelection to that office, or to prohibit any otherwise qualified individual from becoming a candidate for membership on any community college district governing board, during any period in which the authority of the district governing board has been suspended under this section.~~

~~(h) This section shall become operative on January 1, 2008.~~